

REMARKS

Applicant respectfully offers the following to better describe Applicant's invention and novel features and differentiate it from Shavitz and the other art cited by the Examiner. In response to the Examiner's objections and rejection, claims 1-4 and 6 have been further amended, and claim 7 is resubmitted as claim 8.

Applicant believes that the claims of the present invention, as amended, are novel and non-obvious. None of the prior art cited by the Examiner or found by the Applicant discloses or suggests the unique and novel combination of a side seat cushion mounted directly to the frame of a motorcycle, which side seat extends laterally from the motorcycle passenger seat. The present invention has "universal" application, unlike prior art.

Shavitz, U.S. Patent No. 5,697,671, cited by the Examiner, is different from the present invention in many respects. Shavitz discloses an enlarged or oversized seat, wider than a standard motorcycle passenger seat. It includes a seat portion that installs over a standard motorcycle passenger seat. This has the undesirable effect of raising the passenger's seat relative to the motorcycle frame, including the foot pegs provided for the passenger. In order to obtain a secure, safe fit for the passenger, the foot pegs may need to be relocated, which is not always possible. Because the oversized Shavitz seat raises the passenger seat from its standard position, the back rest, relative to the passenger seat, is also reduced in height, further affecting comfort and safety of the passenger.

The Shavitz motorcycle seat is not rigidly secured to the motorcycle frame, as disclosed by the present invention. Any flex or give in the mounting mechanism of the Shavitz seat results in the entire seat being susceptible to movement. With the present invention, the passenger sits

directly on the secure seat provided with the motorcycle and the Cheek Seat™ provides additional, not complete, support of the passenger.

The Shavitz seat must be customized for each passenger seat. Not all motorcycle passenger seats have the same shape, contours, size, etc. As a result, the Shavitz oversized seat may not be a perfect match for all motorcycle passenger seats. A lack of a match between the undersurface of the Shavitz oversized passenger seat and the passenger seat provided by the motorcycle may result in movement and safety issues discussed above. With the present invention, the Cheek Seats™ are independent of the passenger seat and independently provide support to the passenger. Because the Cheek Seats™ are supported directly by the frame and not in part by the standard motorcycle passenger seat, safer and more comfortable support is provided.

The Cheek Seat™ cushions extend laterally from the motorcycle passenger seat. The oversized Shavitz motorcycle seat completely encompasses the existing motorcycle passenger seat. The oversized Shavitz motorcycle seat does not disclose independent side cushions that extend laterally from the motorcycle passenger seat. Applicant respectfully asserts that the oversized Shavitz motorcycle seat does not disclose lateral seat cushions at all; rather, Shavitz discloses a wider seat with downwardly depending sides to widen and encompass the standard motorcycle passenger seat. The use of separate, independent side cushions to extend the width of the standard motorcycle passenger seat is not taught or suggested by Shavitz.

Kaptur (2002/0067059) discloses a bicycle seat that primarily provides fore-and-aft support of the pelvis of a bicycle rider. The seat extensions (40, 42) are pivotally mounted towards the front of the base seat and will not provide the full lateral support taught by the present invention. In fact, Kaptur teaches away from the present invention. If the seat

extensions were to be rotatably secured to extend laterally from the Kaptur base bicycle seat, rotation, and therefore adjustment of the cushion extensions as taught in Kaptur would not be possible.

Kolpin (US 6508,511 B1) discloses a folding chair with arm rests 14. Nothing in Kolpin suggests utilization of laterally extending seat cushions that can be uniformly attached to most motorcycles to expand the passenger seat.

Goin (US 6,481,792 B1) discloses a non-standard motorcycle seat cushion with custom designed side seat extensions. The seat extensions are of a particular design which cannot be utilized with most standard motorcycle seats; in fact replacement of a standard motorcycle seats would be required with the Goin design. One of the inherent advantages of the present invention is its uniform application to existing motorcycle seats. It does not require replacement of the current motorcycle seat.

Claim 1 has further been modified to address the claim objections raised by the Examiner and to further distinguish the present invention from the prior art. Applicant has clarified Claim 1 to emphasize that the Cheek Seats™ are not a cover to be mounted over an existing motorcycle passenger seat.

Claims 1-6 have been modified to address the claim objections and rejection, raised by the Examiner and to further distinguish the present invention from the prior art.

Applicant elected without traverse Group I, Figure 2, claims 1-5. The Examiner treated claim 6 on the merits since it is dependent from a claim that has been found to contain allowable subject matter. Non-elected claim 7 has been withdrawn from further consideration.

Upon review of the Examiner's comments and further review of the claims, Applicant believes that independent claims 1, 2 and 3 are generic with respect to the Group I and Group II

species. Further, Applicant believe that non-elected claim 7 is also a Group I claim. Claim 8 has been added for the Examiner's consideration. Added Claim 8 is a re-write of claim 7. Claim 8 contains all of the limitations of conditionally allowed claim 3, as amended, and further adds detail with respect to the combination of the invention as claimed in claim 3 with a tour pack known in the industry.

Claim 6, approved by the Examiner is dependent an allowed claim 3, is actually a Group II species. Applicant respectfully asserts that claim 3 is generic as to the Group I and Group II species and that claim 6, conditionally allowed by the Examiner, should be permitted as a consistent Group II species claim dependent upon generic claim 3.

In view of the arguments presented herein, the Applicant has amended claims 1 through 6 and added dependent claim 8 to correct technical deficiencies and to distinguish Applicant's invention from the prior art cited by the Examiner. Based upon the arguments of Applicant herein, it is submitted that the Application, as amended, is in condition for allowance and reconsideration of claims 1 through 6 and 8 as respectfully requested.

Respectfully submitted,

GLEN E. SCHUMANN

By _____

Glen E. Schumann
Reg. No. 31,058
Moss & Barnett, P.A.
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402-4129
612.347.0300

REPLACEMENT PAGE 4

shown equipped with a back rest 26. The lateral seat assembly 40 of the present invention is mounted either to the tour pack frame (which in turn is mounted to the accessory supports of the motorcycle frame) or directly to the accessory supports of the motorcycle frame such that each seat cushion 50 is substantially level with and extends laterally from the passenger seat provided with the motorcycle.

As illustrated in Figure 5, a common tour pack frame 100 includes two tubular side supports 102 having a generally U-shaped configuration. The side supports 102 are secured in generally parallel alignment with each other (perhaps slightly inclined inwards towards each other at the top) by a rear base plate 104 and a front base plate 105. The base plates 104 and 105 are oriented transversely with respect to the tubular side supports 102 and are welded near their ends 106 to the tubular side supports 102 at the top side of the side supports 102. The tubular side supports 102 are further secured together at the front end 103 of the tubular side supports 102 by a generally up-side-down U-shaped mounting bar 108. A first end 110 of each of the tubular side supports 102 are secured to the top of mounting bar 108 at or near the lateral edge of the mounting bar 108. A second end 112 of tubular side supports 102 is secured to a free end 109 of mounting bar 108 either by weld, pins or other means.

The front base plate 105 further includes openings 107 that correspond to openings 116 on L-shaped brackets 114 of the present invention (Figure 2). When the side cushion assembly 40 of the present invention is mounted on the tour pack frame 100, the L-shaped brackets 114 of the present invention are secured to and beneath the front base plate 105 by standard bolts extended through openings 107 and 116.

Strategically positioned and extending downward from a bottom leg of the tubular side supports 102 of tour pack frame 100 is a first flange 120 defining a slot 121. A second flange

REPLACEMENT PAGE 7

facing flange 98 deferring a second slot 99 also designed to engage an accessory support (not shown) provided on the frame of motorcycle 10. Flanges 98 and 94 are designed to releasably engage the accessory supports to secure the side mounting plates 80 in place. One of the plates 80 is positioned on each side of the main motorcycle seat. The seat cushions 50 are mounted on the side mounting plates 80 such that they are located adjacent to and extend laterally outward from the seat provided with the motorcycle, in opposite directions from each other.

Both embodiments of the present invention are easy to use, may be quickly installed and removed from a motorcycle equipped with accessory supports. The present invention requires no modification of most Harley-Davidson[®] motorcycles to mount directly to the frame accessory supports and minimal modification (drilling one hole in each flange 122) to be mounted to a Harley-Davidson[®] compatible tour pack frame as shown at 100. Although particularly compatible with Harley-Davidson[®] motorcycles, the present invention is believed to be compatible with all motorcycles and tour packs of design similar to that disclosed herein.

shown equipped with a back rest 26. The lateral seat assembly 40 of the present invention is mounted either to the tour pack frame (which in turn is mounted to the accessory supports of the motorcycle frame) or directly to the accessory supports of the motorcycle frame such that each seat cushion 50 is substantially level with and extends laterally from the passenger seat provided with the motorcycle.

As illustrated in Figure 5, a common tour pack frame 100 includes two tubular side supports 102 having a generally U-shaped configuration. The side supports 102 are secured in generally parallel alignment with each other (perhaps slightly inclined inwards towards each other at the top) by a rear base plate 104 and a front base plate 105. The base plates 104 and 105 are oriented transversely with respect to the tubular side supports 102 and are welded near their ends 106 to the tubular side supports 102 at the top side of the side supports 102. The tubular side supports 102 are further secured together at the front end 103 of the tubular side supports 102 by a generally up-side-down U-shaped mounting bar 108. A first end 110 of each of the tubular side supports 102 are secured to the top of mounting bar 108 at or near the lateral edge of the mounting bar 108. A second end 112 of tubular side supports 102 is secured to a free end 109 of mounting bar 108 either by weld, pins or other means.

The front base plate 105 further includes openings 107 that correspond to openings 116 on L-shaped brackets 114 of the present invention (Figure 2). When the side cushion assembly 40 of the present invention is mounted on the tour pack frame 100, the L-shaped brackets 114 of the present invention are secured to and beneath the front base plate 105 by standard bolts extended through openings 107 and 116.

Strategically positioned and extending downward from a bottom leg of the tubular side supports 102 of tour pack frame 100 is a first flange 120 defining a slot 121. A second flange

facing flange 98 deferring a second slot 99 also designed to engage an accessory support (not shown) provided on the frame of motorcycle 10. Flanges 98 and 9694 are designed to releasably engage the accessory supports to secure the side mounting plates 80 in place. One of the plates 80 is positioned on each side of the main motorcycle seat. The seat cushions 50 are mounted on the side mounting plates 80 such that they are located adjacent to and extend laterally outward from the seat provided with the motorcycle, in opposite directions from each other.

Both embodiments of the present invention are easy to use, may be quickly installed and removed from a motorcycle equipped with accessory supports. The present invention requires no modification of most Harley-Davidson® motorcycles to mount directly to the frame accessory supports and minimal modification (drilling one hole in each flange 122) to be mounted to a Harley-Davidson® compatible tour pack frame as shown at 100. Although particularly compatible with Harley-Davidson® motorcycles, the present invention is believed to be compatible with all motorcycles and tour packs of design similar to that disclosed herein.